IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

Crl.Rev.Pet.No. 1334 of 2003()

S.T.NO.750/1997 OF THE JUDICIAL MAGISTRATE OF THE FIRST CLASS, CHALAKKUDY
CRL.A.NO.406/2001 OF III ADDL.SESSIONS JUDGE, THRISSUR

REVN. PETITIONER: APPELLANT/ACCUSED:

AJI, S/O. VELAYUDHAN,
KANNOLI HOUSE, KANJIRAPPILLY DESOM,
PARIYARAM VILLAGE, MUKUNDAPURAM TALUK.

BY ADV. SRI.P.VIJAYA BHANU

RESPONDENTS: RESPONDENTS/COMPLAINANT:

STATE OF KERALA, REPRESENTED
BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 21/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.5622/2003 IN CRL.R.P.NO.1334/2003

DISMISSED.

SD/- K.R.UDAYABHANU, JUDGE

21/11/2007

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K.R.UDAYABHANU, J.

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Crl. R.P.No.1334 of 2003-B

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Dated this the 21st day of November, 2007

O R D E R

The revision petitioner is the accused in S.T.No.790/1997 in the file of the Judicial Magistrate of the First Class, Chalakudy, who stands convicted for the offence under Section 55(a) of the Abkari Act and sentenced to undergo simple imprisonment for three months and to pay a fine of Rs.25,000/- and in default to undergo simple imprisonment for three months.

2. The prosecution case is that on 15/10/1996 the accused was found in possession of 2.5 litres of illicit arrack.

3. The counsel for the revision petitioner has pleaded for leniency pointing out that about 10 years have elapsed since the date of the incident and the quantity involved is only 2.5 litres and so far the accused was facing the criminal proceedings and that he has undergone considerable mental strain and that the family of the revision petitioner/accused is solely dependent for their livelihood on the income of the accused. In the circumstances and considering the long lapse of time, the sentence imposed for the offence under Section 55(a) of the Abkari Act is modified to imprisonment till the rising of the court and to

pay a fine of rupees twenty-five thousand and in default to undergo simple imprisonment for six months. The revision petitioner is granted four months time to remit the fine amount. The accused shall appear before the Judicial Magistrate of the First Class, Chalakudy, on 19/03/2008 to receive the sentence. The criminal revision petition is disposed of as above.

Sd/-
K.R.UDAYABHANU,
Judge

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